

21 Avenue Road – Official Plan Amendment and Rezoning Applications – Supplementary Report

Date:	January 25, 2010
To:	City Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre - Rosedale
Reference Number:	07 289063 STE 27 OZ (p:\2010\Cluster B\pln\cc4872798018)

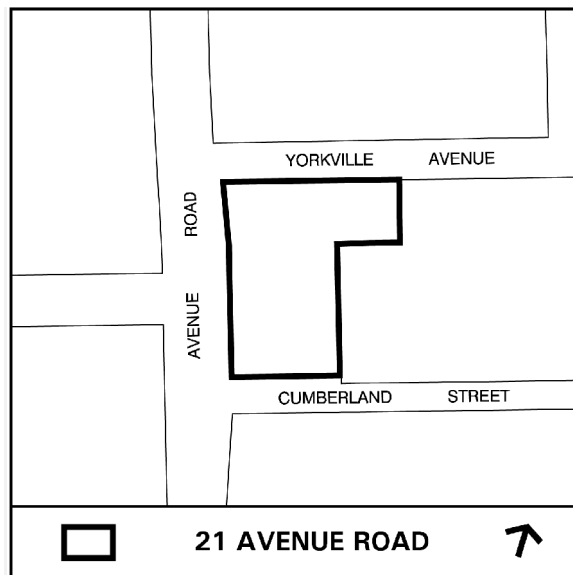
SUMMARY

The applicant has appealed the Official Plan Amendment and Rezoning Applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the Planning Act. A second pre-hearing conference on this file is set for February 1, 2010 and a hearing is set to commence on March 22, 2010.

At its meeting on January 12, 2010, Toronto and East York Community Council (TEYCC) adopted the recommendations outlined in the Staff Directions report dated December 23, 2009 and further requested that the Director, Community Planning report directly to City Council on a revised proposal presented to the TEYCC on January 12, 2010, by the applicant for the project at 21 Avenue Road.

The purpose of this supplementary report is to provide comment on the revised proposal presented to TEYCC on January 12, 2010.

Planning staff conclude that the revised proposal does not address the ‘reasons for refusal’ identified in the Directions Report dated December 23, 2009 and therefore should not be supported.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council receive this report for information.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

Ontario Municipal Board (OMB) Appeal

On June 23, 2009, the City received notification that the applicant filed an appeal of the Official Plan and Zoning By-law amendment applications to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the applications within the respective timeframes prescribed by the *Planning Act*.

A pre-hearing conference was held at the OMB on December 1, 2009. At this conference meeting, the OMB set a further pre-hearing conference for February 1, 2010 and scheduled a 10 day hearing commencing on March 22, 2010.

Staff Directions Report dated December 23, 2009

At its meeting of January 12, 2010, Toronto and East York Community Council considered a staff directions report recommending refusal of the appealed application and directing staff to attend the OMB in support of an alternative proposal as set out in the report.

At the TEYCC meeting the applicant presented a revised proposal which differs from the proposal that has been appealed to the OMB. Planning staff were directed by Community Council to review the revised proposal and to report directly to City Council.

Revised Proposal dated January 12, 2010

The applicant provided staff with an 'annotated roof plan' indicating heights and positioning of building elements (see Attachment No.1). No other materials have been provided to staff other than a revised shadow study. Without the benefit of a complete set of architectural plans, staff had to make a number of assumptions about the proposal for the purposes of providing advice to City Council.

The 'annotated roof plan' indicates a proposal that consists of two towers each with a maximum gross construction floor area of 780 square meters with a tower separation of 20 metres building-face to building-face and 16m separating the balconies. The south tower has been reduced in height from 143.25 metres (including mechanical) to 127 metres (including mechanical). The north tower height has been revised from 97.5 metres (including mechanical) to 133 metres (including mechanical). To the east of the north tower (adjacent to the parkette) are approximately 3 new floors of residential units

above the existing retail podium. With no revised site plan, staff assume that access, loading, and parking arrangements remain the same as the appealed application.

COMMENTS

Built Form and Massing

The applicant's proposal introduces two tall building elements on a site that is currently occupied by one. It is critical therefore, that the size, placement and orientation of these buildings be designed to ensure that the massing is appropriate for the site, does not overwhelm the pedestrian realm and is compatible with adjacent properties.

The revised proposal reduces the floor plate sizes of both buildings to a maximum gross construction floor area of 780 square metres. Floor plates of this size would meet the general intent of the City's Tall Building Guideline of 743 square metres, subject to appropriate articulation. Additional information from the applicant would be required to determine if the floor plates are appropriately articulated.

The revised proposal continues to maintain a separation distance of only 20 metres from building-face to building-face and 16m from balcony to balcony. The City's urban design policies recommend a minimum spacing between the face of two tall buildings to be no less than 25 metres. The separation distance is important for quality of life considerations, such as access to light and views for the residents of the building. They are also important for the general public to provide pedestrian level views through and around the development site. Attachment No.2 provides an example pedestrian level view of the applicant's revised proposal compared to that of the staff recommended development strategy outlined in the Directions Report approved by TEYCC on January 12, 2010.

The revised proposal does not address the height transition policies discussed in the staff Direction Report dated December 23, 2009.

Impact on the View of the Ontario Legislative Assembly (OLA) Building.

The staff Directions Report dated December 23, 2009 provides a detailed overview of the relevant background and an analysis of the potential impact that the proposed development would have on views of the Ontario Legislative Assembly building (which forms a part of the Queen's Park precinct of buildings).

The foundation for this issue as a planning concern is found within the Official Plan (Public Realm policies and University of Toronto Secondary Plan policies) and other planning documentation including the Planning Act, Provincial Policy Statement and the City's Tall Buildings Guidelines.

Staff consider the Ontario Legislative Assembly (OLA) building to be an important human-made feature where public views should be maintained. An assessment of northbound views of the OLA from various points across the University Avenue right-of-

way indicate that the revised heights of the proposed towers will not preserve but will continue to detract from views and vistas of this important human-made feature.

The visual dominance of the Ontario Legislative Assembly building was intentionally and carefully placed to be a highly visible and symbolic place at the head of University Avenue. It is an important vista within the City of Toronto and the development proposal at 21 Avenue is located on a site which will create a negative impact on this important view.

In the Preliminary Report of February 9, 2009 staff expressed the opinion that the proposed towers should ideally not be visible above the silhouette of the OLA when viewed from locations on the north side of College Street (east sidewalk, northbound traffic lanes, centre median and west sidewalk).

The Staff Directions report of December 23, 2009 recommends to City Council that it protect for the highest level of visual integrity of the Ontario Legislative Assembly building when viewed from all points across the University Avenue right-of-way on the north side of College Street. Based on this objective, no building at the 21 Avenue Road site should be taller than 116 metres (including mechanical penthouse).

The revised building heights (south tower of 127 metres and north tower of 133 metres) presented in the January 12, 2009 revised proposal do not meet this objective of protecting for the highest level of visual integrity from College Street.

Light, View and Privacy

Residents of surrounding buildings and the neighbourhood have expressed concerns about the impact of the appealed proposal on their existing light, view and privacy. In the directions report, staff identified concerns with: shadow impacts on the lower scale neighbourhoods to the west of Avenue Road; impacts on views of and across the site; and privacy impacts resulting from proposed separation distances and building placement.

The revised application dated January 12, 2009, proposes two towers with a 20 metre building-face separation. While the height of the south tower has been reduced from 143.25 metres (including mechanical) to 127 metres (including mechanical) the north tower has now been increased from 97.5 metres (including mechanical) to 133 metres (including mechanical). Staff have reviewed the applicant's revised shadow study and has determined that the proposed changes to overall building heights have not addressed the concerns about the reach and impact of shadows cast on the Neighbourhood designated properties to the west of Avenue Road.

At 9:00am during the Sept/March equinox, the shadow from the proposed north tower (133 metres) reaches across a full city block and place low scale residential buildings on the west side of Bedford Road in shadow (See attachment No.4). The shadows continue to fall on lands designated *Neighbourhoods* west of Avenue Road until 11:00am. It is important to note that by 10:18am shadows cast by other high-rise buildings along the

Avenue Road and Bloor Street corridor, no longer impact the *Neighbourhoods* designated lands to the north side of Lowther Avenue.

Staff have completed an analysis of pedestrian level views around the subject site (Comparative view from Cumberland Park can be found in Attachment No.2) generated by the revised proposal. Staff continue to be of the opinion that the revised proposal does not meet the Official Plan policy of adequately limiting the impacts of shadows and in the context of previous comments regarding building separation, the proposal does not adequately address privacy impacts nor are views through and around the site sufficiently addressed.

Transportation Issues

In the directions report dated December 23, 2009, staff identified that documentation with respect to rights-of-way, shared loading and vehicular parking, to be provided by the applicant were outstanding. These materials remain outstanding. Without a revised site plan, garage floor plans, or site statistics, planning staff are unable to comment on whether there are any proposed changes to vehicular access, loading, or parking.

Further Revised Proposal

On January 20, 2010, staff received a further revised proposal from the applicant which presented a variation on the January 12, 2010 proposal presented to TEYCC. (See Attachment No.5). Revisions were made to the layout of the north tower floor plate in order to provide a 25 metre separation between towers. This revised proposal does not address the shadow, height transition, nor view impacts discussed above and in the staff Directions Report.

Conclusion

Planning staff conclude that the revised proposal does not address the ‘reasons for refusal’ identified in the Directions Report dated December 23, 2009 and therefore should not be supported.

CONTACT

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SIGNATURE

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Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Annotated Roof Plan – Provided by Applicant dated January 12, 2010

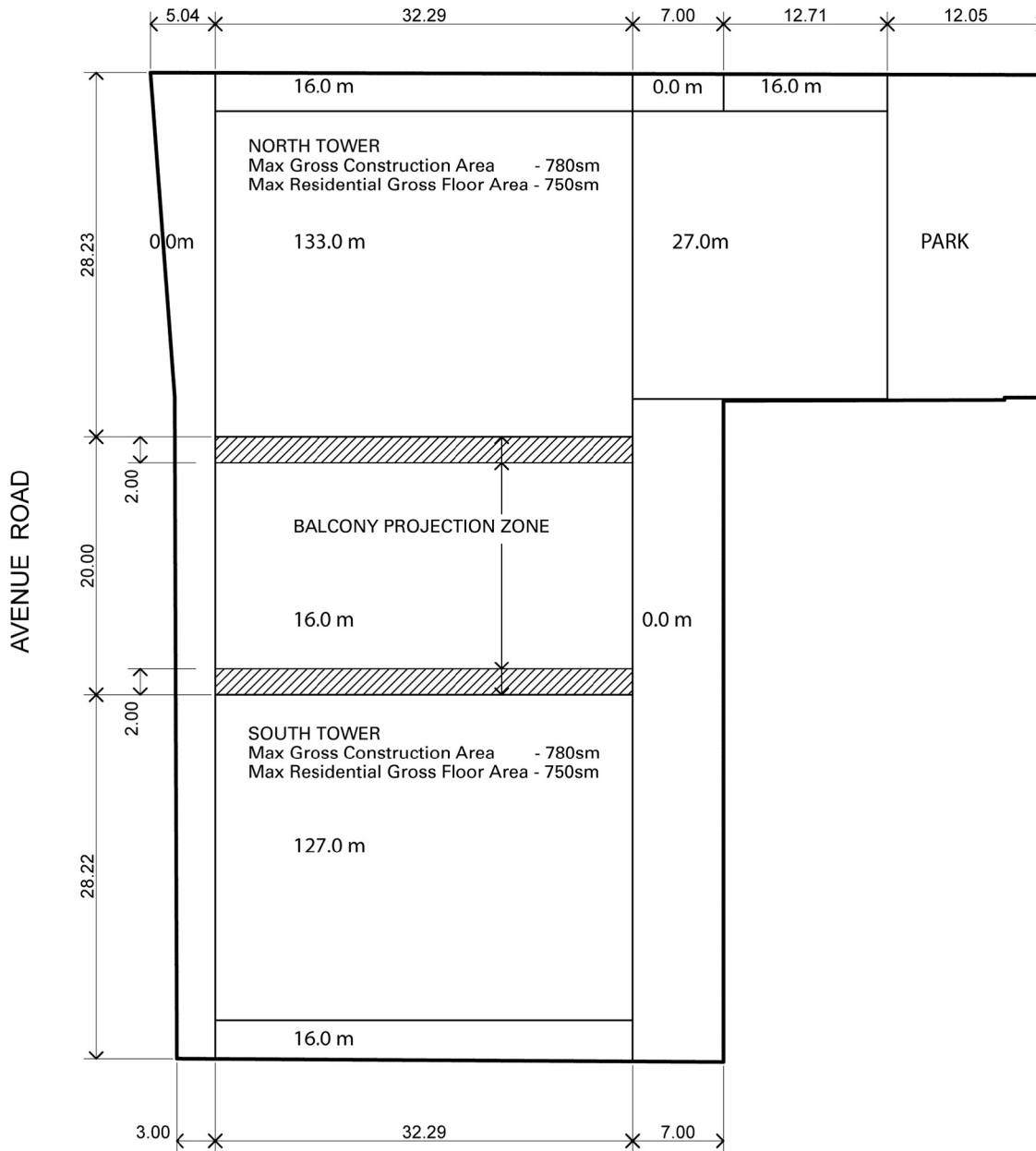
Attachment 2: Pedestrian Level Views from Cumberland Park

Attachment 3: Views of Ontario Legislative Assembly Building

Attachment 4: Shadow Diagrams Generated by City Staff

Attachment 5: Annotated Roof Plan – Provided by Applicant dated January 20, 2010

Attachment 1: Annotated Roof Plan – dated January 12, 2010



Annotated Roof Plan Diagram

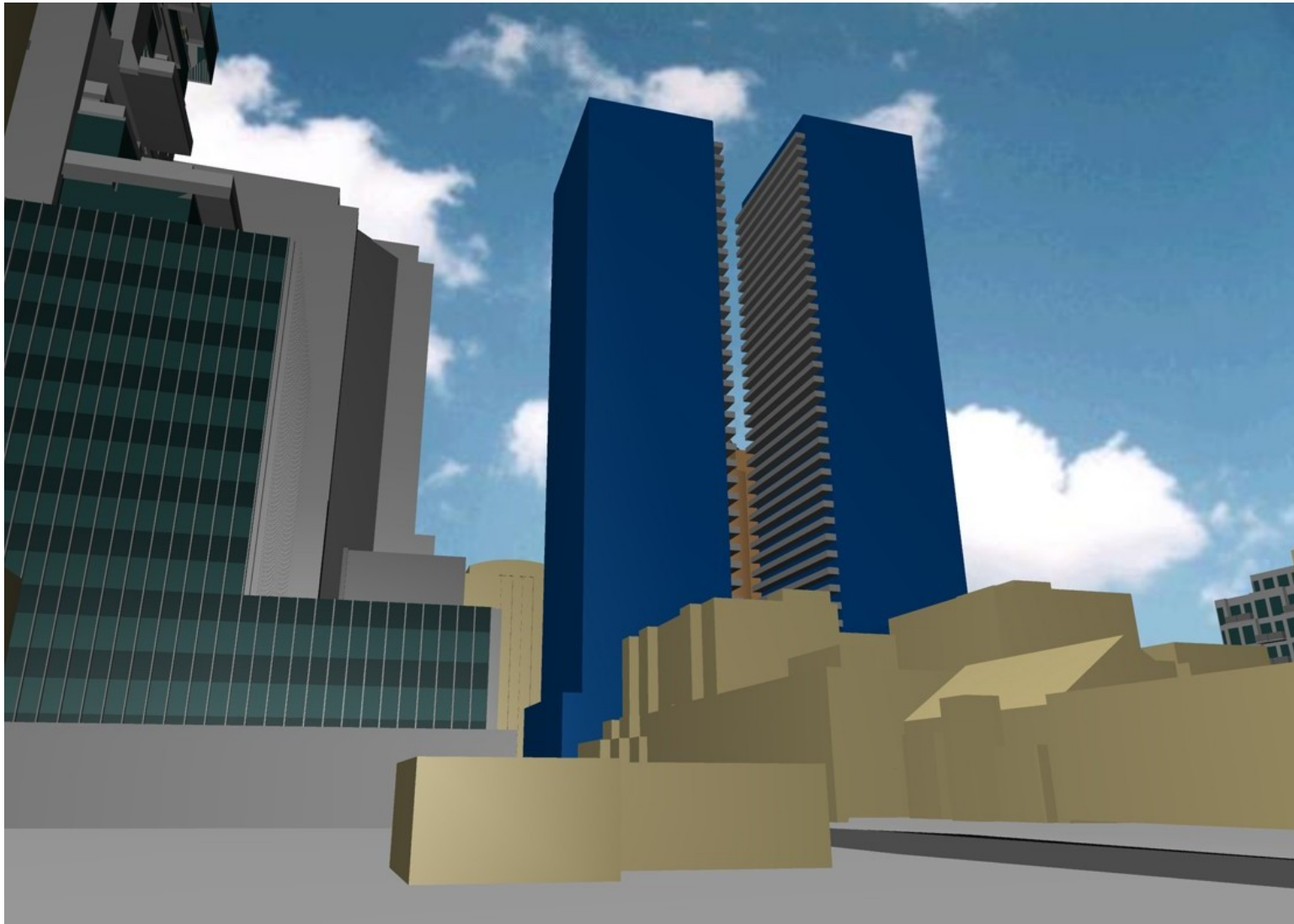
21 Avenue Road

Applicant's Submitted Drawing

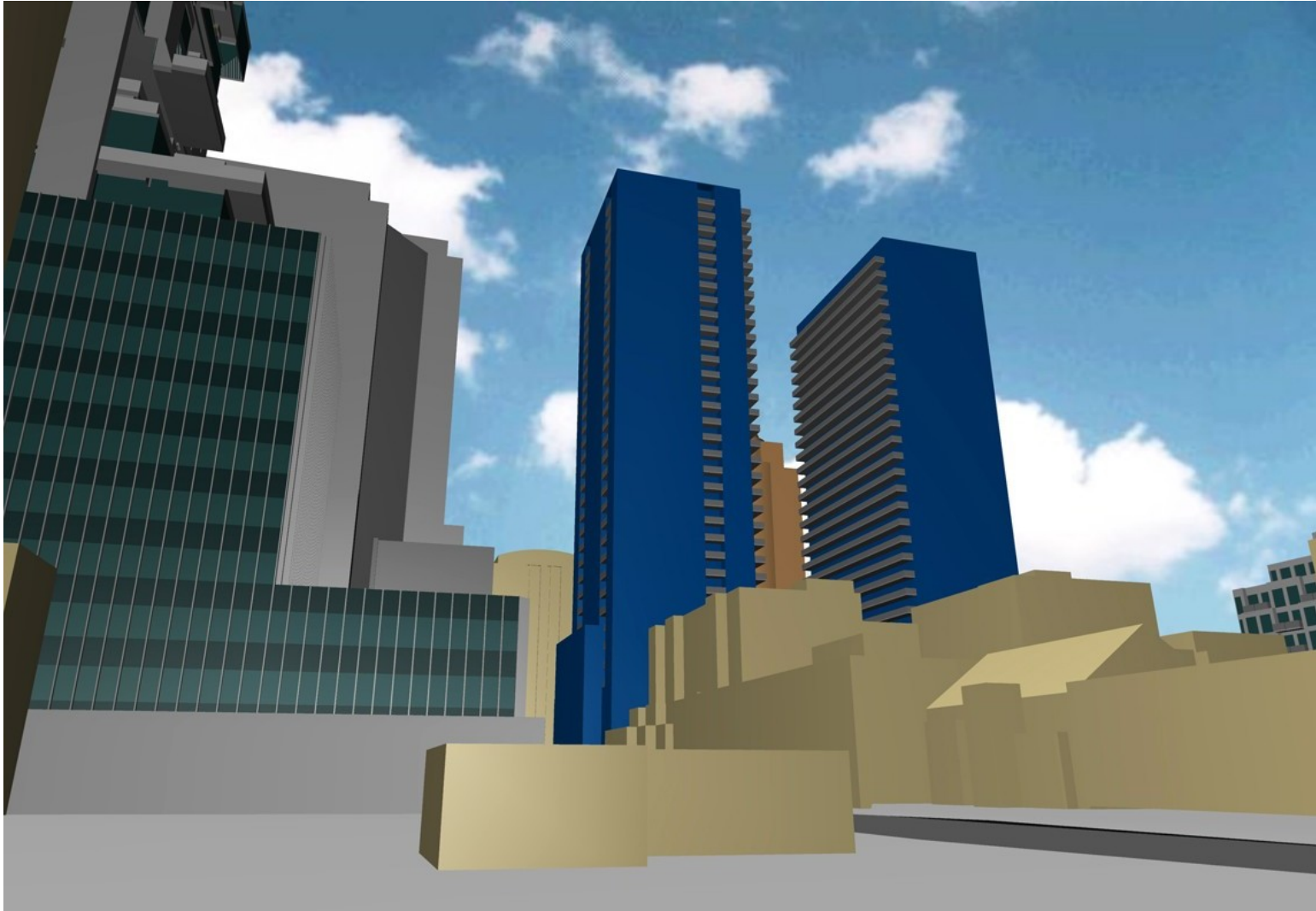
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Attachment No.2 – Pedestrian

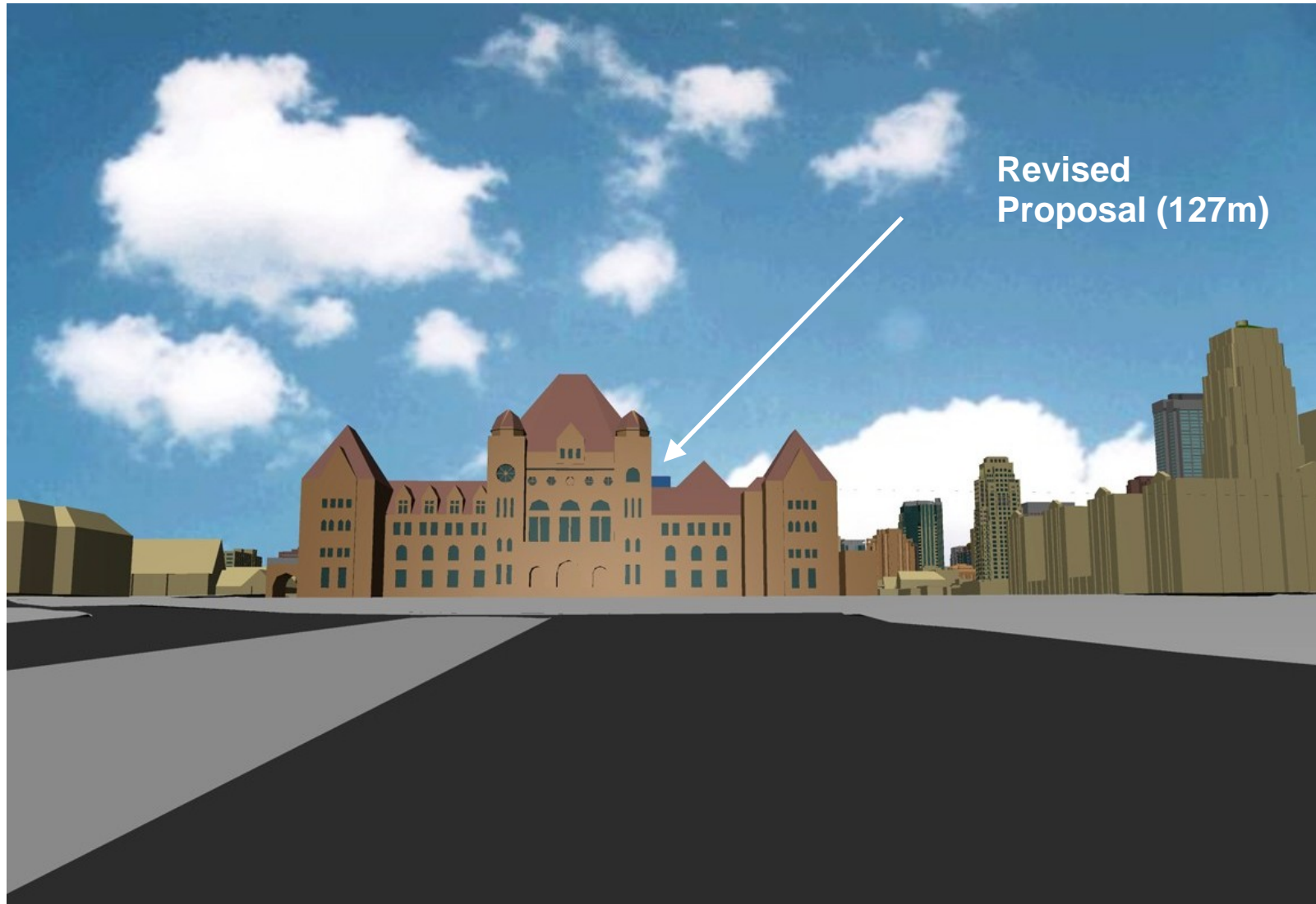


Applicant's January 12, 2010 Revised Proposal – View from Cumberland Park

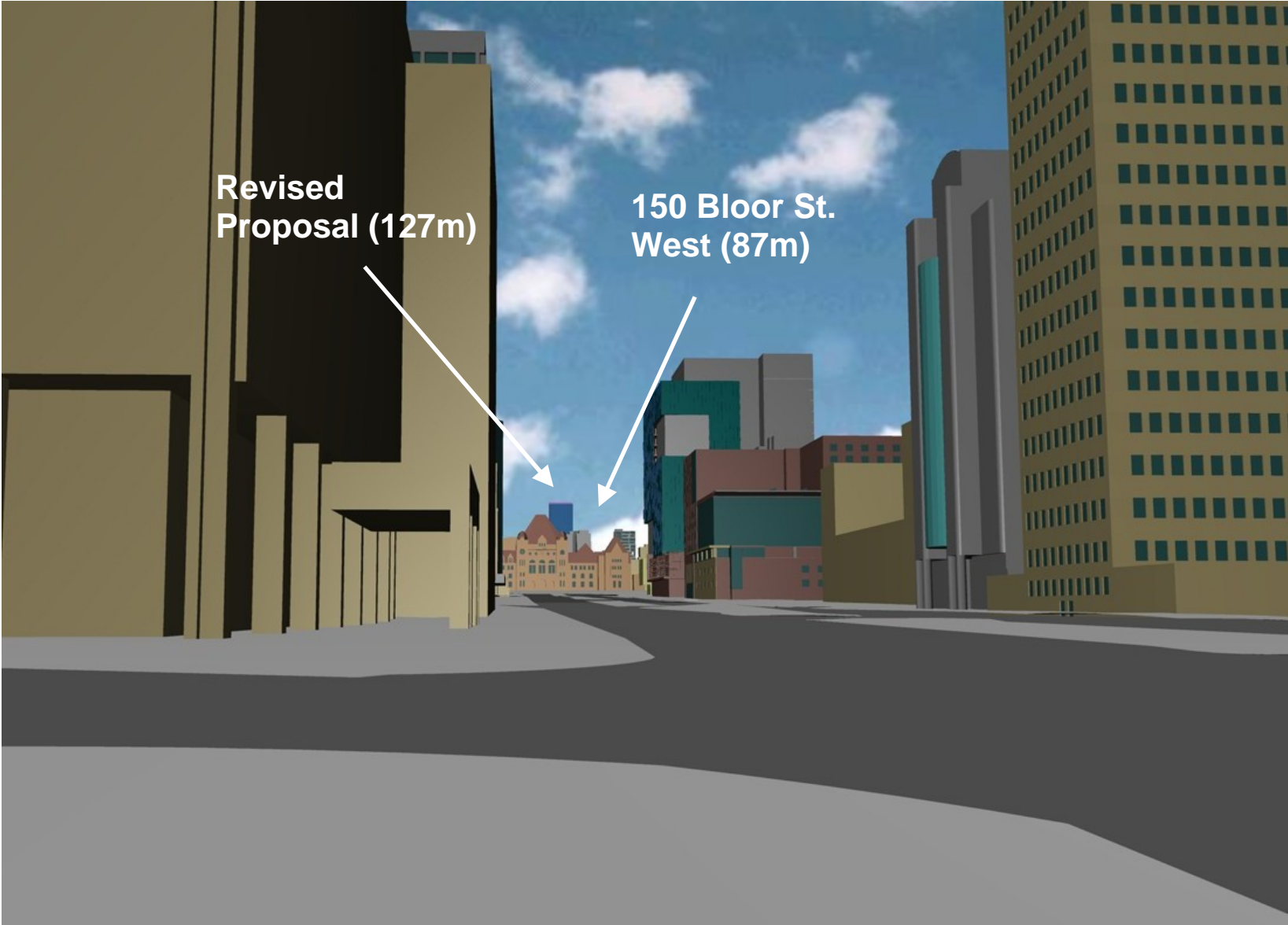


Staff's Recommended Development Strategy – View from Cumberland Park

Attachment No.3 – Ontario Legislative Assembly Views

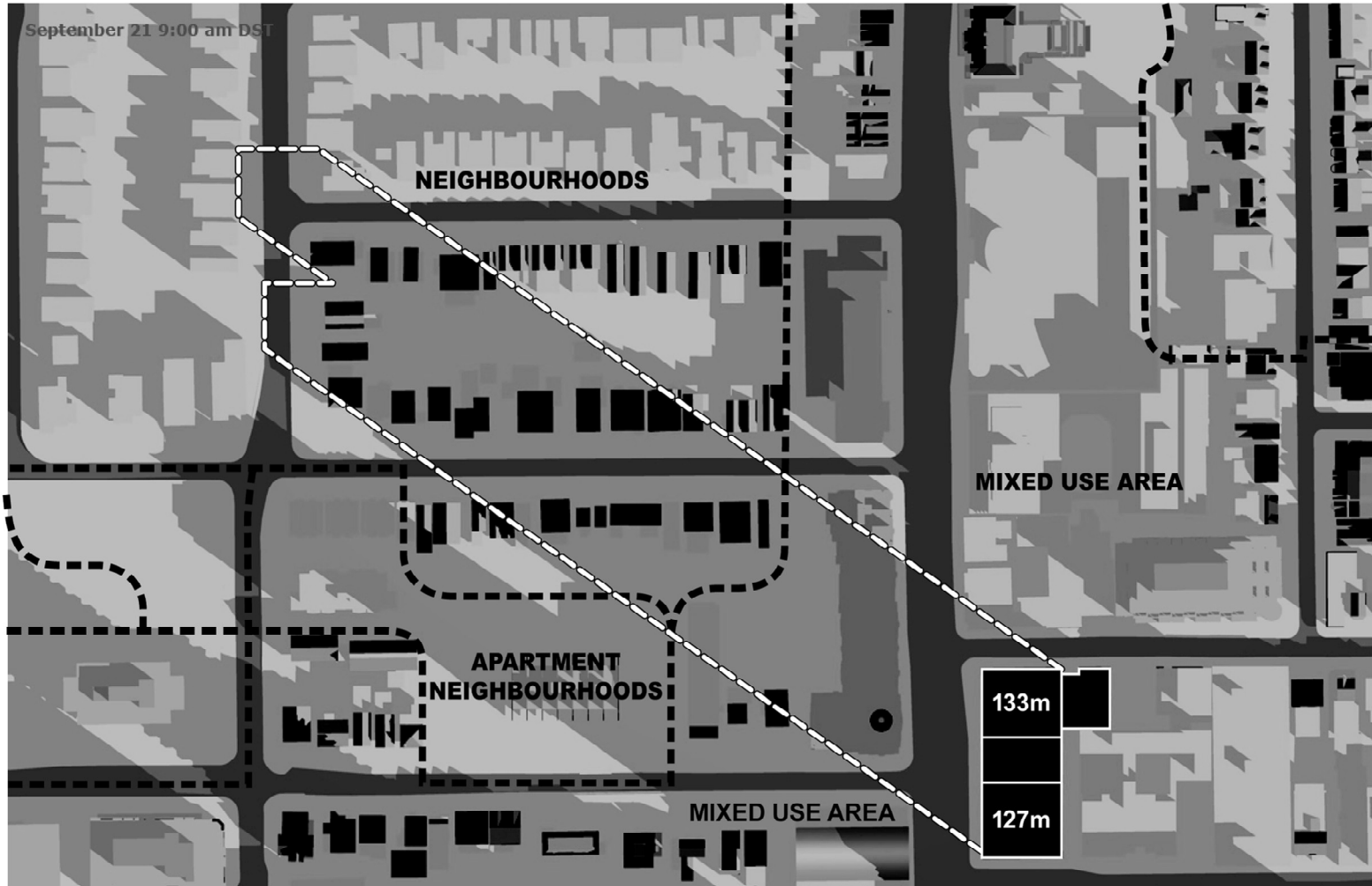


View of Revised Proposal taken from Northbound Lanes at College Street



View of Revised Proposal taken from West Sidewalk at Dundas Street West

Attachment No. 4 – Shadow Diagrams



Extent of Shadow Casting

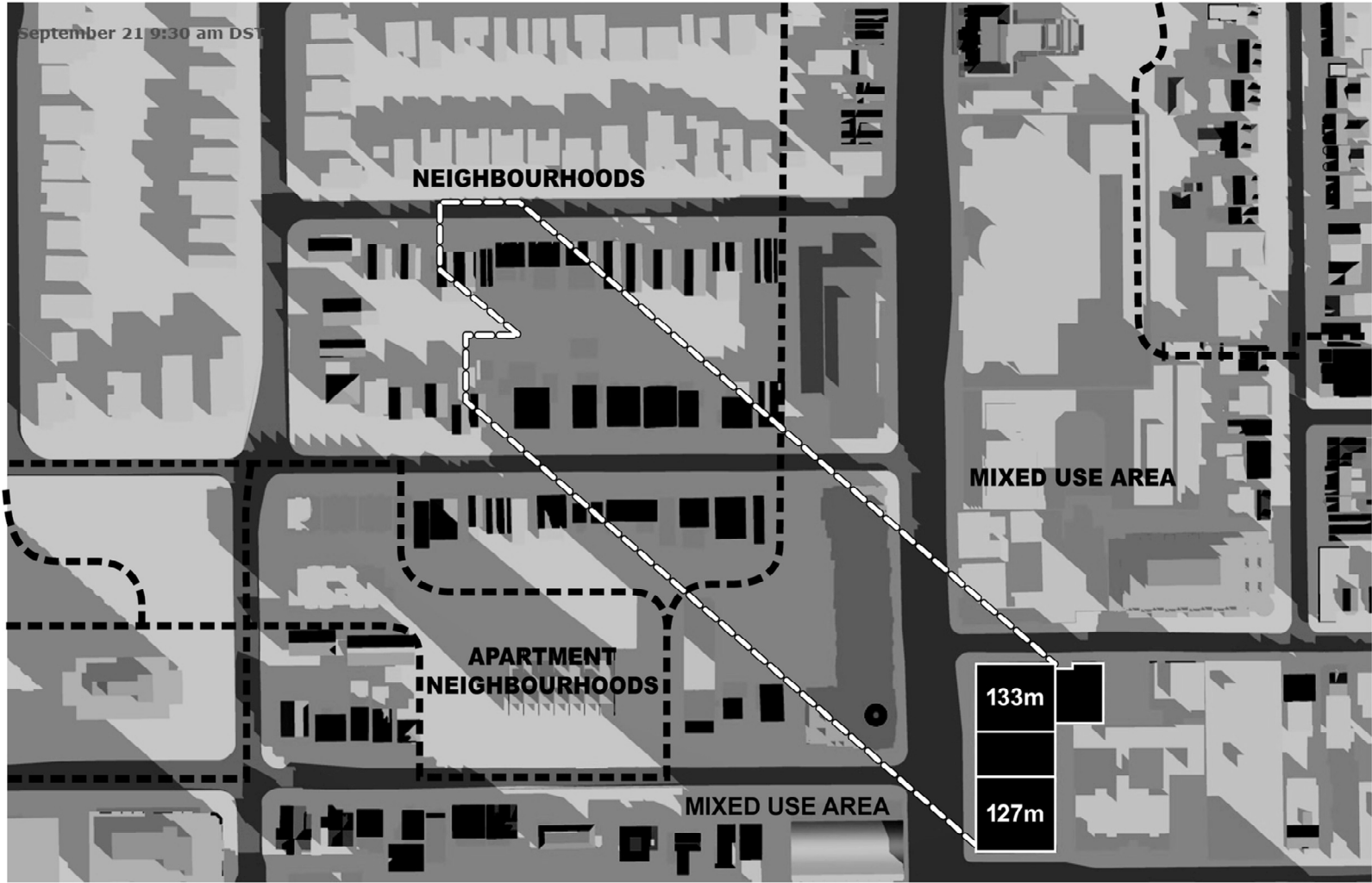
September 21 9:00 am DST

21 Avenue Road

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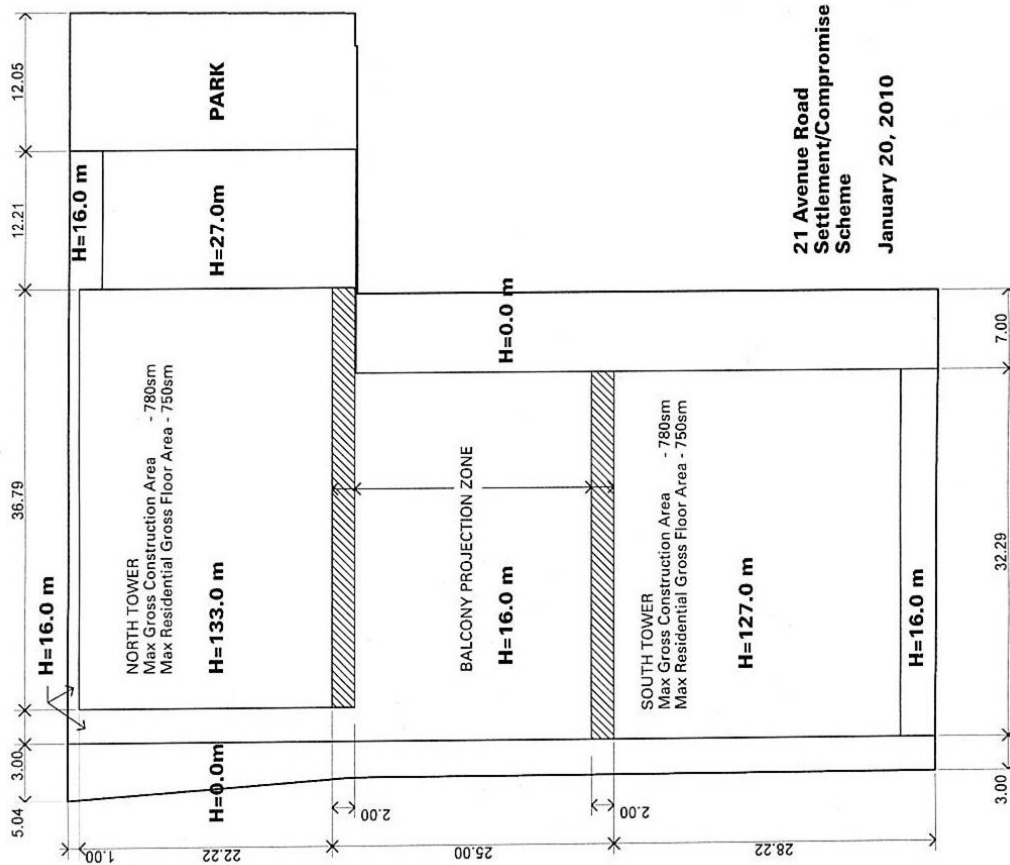

TORONTO City Planning
Extent of Shadow Casting
 September 21 9:30 am DST

21 Avenue Road

File # 07_289063

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01/21/2010 

Attachment 5: Annotated Roof Plan – Provided by Applicant dated January 20, 2010



**21 Avenue Road
Settlement/Compromise
Scheme
January 20, 2010**